

Appln. No. 09/755,530
Amdt. dated: October 15, 2004
Reply to Office Action dated June 15, 2004

Remarks/Arguments

These remarks are in response to the Office Action dated June 15, 2004. A request for a one month extension of time is provided in conjunction with this amendment. Pursuant to 37 CFR §1.17(a)(1), please charge the required extension fee of \$55 to Deposit Account No. 50-2884. Please charge the three new independent claims and any deficiencies, or credit any overpayments to Deposit Account No. 50-2884.

At the time of the Office Action, claims 1-20 were pending in the application. Claims 4 and 7 were indicated as containing allowable subject matter. Claims 1, 2, 10, 16 and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,029,162 to Epps. Claims 3, 5-6, 8-9, 11-15, 17-18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Epps in view of other references. The rejections are set out in more detail below.

I. Allowable Subject Matter

Claims 4 and 7 were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 4 and 7 have been amended accordingly and are now in condition for allowance.

II. Claim Rejections on Art

Claims 1, 2, 10, 16 and 19 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,029,162 to Epps (hereinafter "Epps"). Independent claims 1, 10 and 19 have been amended to include the limitation from original claim 4 which recites the step of adjusting the gain during a guard period between the plurality

Appn. No. 09/755,530
Amtd. dated: October 15, 2004
Reply to Office Action dated June 15, 2004

of time slots to avoid modifying attenuation devices in a receive path of the receiver which may corrupt data on the plurality of radio frequency carriers in a given time slot and thereby corrupt information. The Examiner has indicated that this subject matter is allowable. Accordingly, claims 1, 10 and 19 are believed to be in condition for allowance. Claims 2-3, 5-6, 8, 12-18 and 20 are believed allowable at least based upon their dependence on their respective allowable base claims.

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Epps in view of U.S. Patent No. 5,050,192 to Nawata (hereinafter "Nawata"). Claim 9 has been amended to incorporate the limitations of original claim 1 and now is in independent form. Amended claim 9 recites a method of automatic gain control on a time slot by time slot basis in a receiver module of a base transceiver station and applying the gain adjustment factor to at least one received signal in a current time slot. Claim 9 further recites that the step of applying the gain adjustment factor comprises adjusting an attenuator with reference to the burst timing of a received signal on the given time slot. The Examiner concedes that this limitation is not disclosed by Epps, but asserts that the limitation is taught by Nawata. Applicants respectfully disagree.

On page 13, lines 3-8 of Applicants' specification, Applicants define adjusting an attenuator with reference to the burst timing of a received signal on the given time slot to mean that "the BTS attempts to, whenever possible, measure the power of a received signal using power detector 101 and perform variable attenuation using the attenuator 102 in the guard periods of a RF carrier transmission." Nawata fails to disclose this step. Moreover, the Examiner has indicated that performing variable attenuation using the attenuator in the guard periods of a RF carrier transmission is allowable subject

Appln. No. 09/755,530
Amdt. dated: October 16, 2004
Reply to Office Action dated June 15, 2004

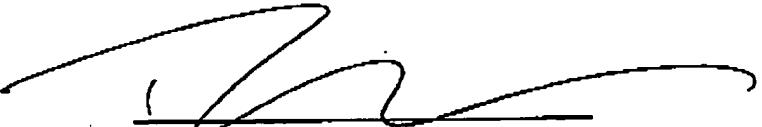
matter. Accordingly, Applicants respectfully assert that claim 9 is in condition for allowance.

III. Conclusion

It is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

10-15-04
Date


Robert J. Sacco
Registration No. 35,667
Terry W. Forsythe
Registration No. 47,569
SACCO & ASSOCIATES, P.A.
P.O. Box 30999
Palm Beach Gardens, FL 33420-0999
Tel: 561-626-2222